



30 August 2011

Secretary, Committee on Economic, Social and Cultural Rights
UNOG-OHCHR
1211 Geneva
Switzerland
By email: cescr@ohchr.org

Dear Secretary of the Committee on Economic, Social and Cultural Rights,

I am writing to you on behalf of the Negev Coexistence Forum for Civil Equality (NCF). We refer to the list of issues, E/C.12/ISR/Q/3, with respect to the consideration of the third periodic report of Israel concerning its implementation of the International Covenant on Economic, Social and Cultural Rights and take this opportunity to provide our insight.

Following the submission of our shadow report, the NCF welcomes the opportunity to further contribute to the work of the CESCR in monitoring the State of Israel's compliance with its Covenant obligations. In particular, we wish to furnish further information with respect to issues 4, 5, 6 and 8.

Article 1 – Self-determination

4. Please provide information on action taken to implement the recommendations of the Advisory Committee on the Policy regarding Bedouin towns (the Goldberg Committee), including the settlement of individual and collective Bedouin land claims. In this connection, please indicate how the State party has considered the application of relevant international norms and jurisprudence in the settlement of such claims.

The government did not approve the recommendations of the Advisory Committee on the Policy regarding Bedouin towns, known as the Goldberg Committee.

In early June 2011, an Israeli media outlet reported that a plan presented by the implementation panel headed by Mr Ehud Praver, and consequentially referred to as the 'Praver Plan', was to be voted on by the government in the coming days. Despite the fact that the purpose of the plan was to resolve land ownership issues in the Negev, community representatives were denied the opportunity to consult with the Praver team about the formulation of the proposed policy. When the final version of the Praver Plan was finally released,¹ it was opposed by many civil society organisations (including the NCF) on the grounds that it contradicted the findings and recommendations of the Goldberg Committee. Nevertheless, it appears that ultimately the Prime Minister's Office decided to defer the vote a result of political right-wing pressure and strong objection from ministers claiming that the plan would hand over state lands to the Bedouin.

¹ The Praver Plan is available in Hebrew at <http://www.pmo.gov.il/NR/rdonlyres/AE7F35E0-B594-4A55-BA2C-136D6575FDB5/0/goldUP.pdf>

The NCF opposes to the Prayer Plan due to its proposal to forcibly relocate between 20,000 and 30,000 Bedouin citizens from their homes. Under the terms of the plan, the government will recognise less than a third of the land claimed by the Bedouin in the Negev. Today, the scope of disputed land amounts to just 640,000 dunams which constitutes less than 7 percent of the entire Negev. Thus, claims in the mainstream media that the plan will result in the Bedouin having “extensive” land recognised were simply misleading.

The NCF contends that the plan is problematic on a number of grounds. First, the *United Nations Declaration on the Rights of Indigenous Peoples*, reflecting international legal norms and setting an important standard for the treatment of indigenous peoples, provides that indigenous peoples have the right to lands they traditionally owned, occupied, or otherwise used, and that states should give legal recognition to this right. Secondly, it states that no relocation of indigenous peoples should take place without their *free, prior, and informed consent* and only after prior agreement on just and fair compensation. These conditions had not been met—at no time were the affected individuals consulted about this proposal. Thirdly, the displaced residents will have no option other than to settle in failed government-planned towns like Hura, Rahat and Kuseifa which are overcrowded, rife with crime and suffer high unemployment levels. Thus the plan will only serve to perpetuate the vicious cycle of poverty that plagues the Bedouin communities. Fourthly, it has been well documented that compensation paid to the Bedouin is typically low. This was shown in 1980 when the village of Tel al-Malach was evacuated to make way for the Nevatim air-base. Further, when Jewish settlers were relocated from Yamit (in the Sinai Peninsula) the amount of money transferred to them was far higher in comparison than the compensation received by Bedouin. So even if a few Bedouin might want to receive compensation, the amount of money that they will receive will be inadequate.

In late June 2011, it was reported that National Security Adviser Yaakov Amidror had been appointed to re-examine the Prayer Plan.

In summary, the recommendations and findings of the Goldberg Committee have not been adopted by the state. As a result, its Bedouin citizens face the risk of the single largest forced displacement in Israel since its establishment in 1948. The forceful implementation of the Prayer Plan in its present state is only likely to lead to further mistrust and deepen the conflict facing the Negev.

5. Please provide information on legislation adopted by the State party since its previous report, that has affected the disposition of land resources, as well as the subsequent role played by the Jewish National Fund and the Jewish Agency in the control of such resources so as to ensure that everyone under the jurisdiction of the State party is able to fully enjoy economic, social and cultural rights.

As far as the NCF is aware, no legislation has been passed by the state regarding land resources. However, we take this opportunity to draw the Committee’s attention to the activities of the Jewish National Fund (JNF).

Despite the continued message from the JNF that it bears no responsibility for the repeated destruction of Al Arakib, its role since the publication of the list of issues in December 2010 has been clearly exposed.

The NCF has long held the view that the JNF’s forestation activities in the area surrounding Al Arakib and its activities to develop the Ambassadors Forest were behind the demolitions of the village, which began on 27 July 2010. These suspicions were strengthened by the Israeli Land Authority’s Development Director Shlomo Tsizer who was quoted in mid-January 2011 saying that the area was being prepared for planting, directly implicating the JNF in the ongoing attacks

on Al Arakib.² Additionally, for the first time on February 9, 2011, we witnessed bulldozers clearly marked as belonging to the JNF destroying tents that had been erected overnight by the residents.



Picture 1: Bulldozer of the Jewish National Fund demolishing a shack in Al Arakib on February 9, 2011.

The JNF responded by claiming that it did not dictate where it planted forests and that it simply followed the orders of the state.

A freeze on the continued development of the Ambassadors Forest is necessary in order for the residents of Al Arakib and other Bedouin landowners, on the one hand, and the ILA and JNF, on the other hand, to enter into discussions towards a just solution.

The economic, social and cultural rights of the Bedouin are under further threat by a bill that was approved by the Constitution, Law and Justice Committee of the Knesset in June 2011 for the second and third reading. This did not yet occur, however, the bill will probably pass in the winter session of the Knesset. If passed, it will allow the head of the Planning Court to seek an order that a homeowner be held accountable for the full expense of demolishing his home. Alarmingly, this will not apply within the Occupied Territories with the respect to the demolition of outposts established by Jewish settlers. This reveals the true objective of the proposal; to further oppress the Bedouin population in the Negev.

6. Please explain why the Knesset has deferred local elections for the appointed Abu Basma Council. In the light of this deferral, how does the State party ensure that Arab communities participate genuinely and effectively in their own local governance including land-use, planning and public services?

On February 9, the High Court ruled on a petition jointly filed by the Association of Civil Rights in Israel, residents within the council area and the NCF. It was declared that elections for the Abu Basma Council be held no later than November 2012. As far as the NCF is aware, minimal preparations for such elections have been undertaken including at least one meeting to explain

² <http://www.ynet.co.il/articles/0,7340,L---4014318,00.html>

what is required of local committees. The NCF submits that the state should do more to ensure that Arab communities participate genuinely and effectively in their own local governance including land-use, planning and public service.

Article 2, paragraph 2 - Non-discrimination

8. Please provide information on measures taken to address the marginalized position of Bedouin women with regard to various economic, social and cultural rights, especially those living in unrecognized villages.

Today, it is still the case that very few women within the unrecognised villages are working as there are few places of employment. As there are few or no services not only in the unrecognised villages but also in those villages that have been recognised by the state, there is a heavy burden on the women to care for their families. Since most do not drive and there is no public transportation to the villages, they are dependent upon the male members of their family to visit clinics, purchase food and access services. The state has made very little investment in such villages. Additionally, there are few family-orientated services such as day care centers for children.

For more information please contact me by phone (+972 542 269011) or email (noach2@bezeqint.net).

Sincerely,



Haia Noach

Executive Director, Negev Coexistence Forum for Civil Equality